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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,713	09/29/2003	Hirotschi Fujisawa	SON-2831	9280
23353 7590 09/18/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER THERIAULT, STEVEN B				
ART UNIT 2179		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,713

Applicant(s)

FUJISAWA, HIROTOSHI

Examiner

STEVEN B. THERIAULT

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed 06/24/2008.
2. Claims 1 -20 are pending in the case. Claims 1 and 3 are the independent claims. Claims 19 and 20 are new claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/2008 has been entered.

Claim Rejections - 35 USC § 103

4. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2179

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1- 6, 8 – 20 rejected under 35 U.S.C. 102(e) as anticipated by Reisman et al. (Hereinafter Reisman) U.S. Patent Publication No. 20030229900 published May 8, 2003 with an effective filing date of May 10, 2002 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Reisman in view of Martin et al (hereinafter Martin) U.S. Patent Publication No. 20020067376 published June 6, 2002.

It is noted that application 20030229900 was filed with an effective filing date of May 10, 2002 based on provisional application 60/379,635 and a second provisional application 60/408,605 filed Sept 6, 2002. The Examiner has analyzed the provisional applications and determined that the effective filing date for the relied upon material is Sept 6, 2002.

In regard to **Independent claim 1**, Reisman teaches a display device for displaying display information in a display area, the display device comprising:

- A display unit configured to display said display information (See Reisman Para 73 and 212 and 222). Reisman teaches several display units can be connected to the system as the purpose of the invention is to share information displayed on several displays.
- A setting unit configured to set display control information that represents the relationship between the display area and the display information (See Figure 8 and Para 697-699 and unit 810 and unit 820). The setting unit is controlled by the head end and the portal working together in coordination to display the content.
- A display control unit configured to control said display unit to display the display information so as to be displayed in each of the plurality of display areas (see Para 125, 291, 296-297 and 700-701). Reisman teaches a display control unit or portal to display the information on display devices.
- A communications unit configured to communicate with another display device which displays predetermined information (See Figure 8-9 and Para 85-87). Reisman teaches a

Art Unit: 2179

communication process to communicate the information from the head end to the portal that contains the predetermined information to display the content on the device in a certain frame and location.

- Wherein, when the display control unit detects an event corresponding to predetermined display information displayed in a predetermined area, the display control unit controls said display unit to present the occurrence of the event to the user (See column 5, lines 1-65). Wharton teaches the user selects buttons on the display, which are generated events to display information, where the location button will present text to the user in a specific location and the floor plans and video button will display images of the room of the home the user is interested in buying.
- Wherein, when a link to another device is requested, said display control unit links said display device to another display device (See Para 130-134). Reisman teaches establishing a link between a first and second monitor where the information displayed on the first monitor is synchronized to the second monitor and it is the user that created the link between the two device sets.
- So that the communication unit receives information corresponding to said predetermined display information from said another display device (See Para 134) and the display control unit displays as said display information, said predetermined information which is displayed in said another display device, in said display area of the display device, based on said received information such that said display information of said display device is synchronized with said predetermined display information of said another display device. (See Para 130-133 and 139, 156 and 199 and Para 66-68 and 91-92 and Figure 9 and Para 697-701).

In the **alternative**, if the head-end device and the portal working in tandem to display information in a certain format and location are not interpreted broadly as a setting unit and if the portal is not

interpreted as a display unit configured to control where to display the information then Martin can provide the missing limitations.

Martin teaches a portal that maintains an arrangement of cells that contain applications and content. Reisman also teaches a portal and shows the portal (See figure 9). The portal of Reisman and the Portal of Martin both show configuring the information and displaying it to the user in a similar manner. The portal of Martin can interact with a set-top box that is similar to the structure of Reisman, and the display control unit in Martin allows for data to be presented on one or more screens (See Martin Para 47 and 62). Further Martin teaches a control unit that is used for setting the content in a specific location and for maintaining the relationship with the content channels and locations of the cells that display the content channels in the remote displays (See Para 64, 84-88). Martin teaches the configuration data is used to set the display into a specific format (e.g. number of pages, size and position). Martin teaches that each position of each channel is specified by an id and the locations are configurable. Martin and Reisman teach using a set-top box to render content and they both teach a process of the user controlling the content by selecting items they wish to be displayed.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Reisman and Martin in front of them, to modify the system of Reisman to specifically recite include the feature of setting unit to control the presentation of information as taught by Martin. The motivation to combine Martin with Reisman comes from the suggestion in Martin that an interface is needed to allow the user to simplify the selection of the information that they want presented and to have a control unit dictate the display information and layout for the receiving end but allow the user to reconfigure it (See Para 69-73). .

With respect to **dependent claim 2**, Reisman teaches a display device wherein the display control unit controls said display unit to switch display area for displaying said predetermined display information (See Figure 9 and Para 701-702 and 706).

Art Unit: 2179

With respect to **dependent claim 3**, Reisman teaches a display device wherein display control unit controls said display unit to switch the size of said predetermined display area (See Para 706). In the alternative, and as discussed above, Martin specifically discloses size information into the configuration data sent for the set-top box. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention in view of Martin, because Martin states there is a need to have control over displaying the information at the monitor end.

With respect to **dependent claims 4**, Reisman teaches a display device wherein the setting unit sets information representing a priority of the display information as the display control information, and wherein the display control unit controls the display unit to display the display information as to be displayed in each of the display areas including said display area, based on the information representing the priority (See Para 701-702, precedence and Figure 8 and Para 697-699 and unit 810 and unit 820)

With respect to **dependent claim 5**, Reisman teaches a display device wherein the setting unit sets, as the display control information, the information representing a link item that said another display device uses to display information displayed in the display area.

With respect to **dependent claim 6**, Reisman teaches a display device wherein, the display control unit controls said display unit to display a program in said predetermined display area, as the display information (See figure 8). Wharton teaches the display device will display program information in a predetermined location on the PDA.

With respect to **dependent claims 8-16**, as indicated in the above discussion, Reisman teaches a display device and teaches all the limitations of claim 1 along with an alternative to suggesting the features of claim 1.

Reisman teaches a control unit (head-end in coordination with the portal) to display information that can be continuous media, video data(See Para 77-78) and still images, photographs, faxes, cartoons, animations (See Para 81) and can be text or media content such as files or transmitted information (See Para 83). Reisman teaches the content sources can be from local and remote

Art Unit: 2179

sources such as TV, movies, audio, web and from satellite, or cable or video on demand and can be from a DVD, VCR or TIVO in the system (See Para 118). Reisman specifically teaches the channels provides on the STB can be weather, sports, news, shopping and the like (See Para 125). As argued above, Reisman shows a control unit that presents the information in a portal with a specific viewing arrangement with the portal and allows for content to stream to the portal (See Para 697-702) where the control of displaying the information allows for program related triggers that update the interface while maintaining the layout.

However, as presented above, if the control unit cannot be interpreted as taught by Reisman then these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Martin, because Martin teaches a display of a theme or genre of information, email, local weather, advertising, video on demand, stock tickers, games and CD purchase information (See Para 94, 104, 107, 116, 121, 124, and 125) which can provide movies via a schedule, local weather is weather info, local content can be a users community (See Para 88), etc. Martin teaches the information is dynamically configurable based on the channel as the channel information changes and the portal can change to reflect a channel update such as an email (See Para 69-71). The local content cell can change in response to a user presenting content from a local video recorder (See Para 88).

In regard to **claim 17**, claim 17 incorporates substantially similar subject matter as the device claimed in claim 1, and represents the method for executing the elements of claim 1, as is rejected along the same rationale.

In regard to **claims 18 and 20**, claims 18 and 20 reflects the computer readable medium comprising computer readable instructions for performing the steps of method claim 17 and 19, respectfully and are rejected along the same rationale.

With respect to **dependent claim 19**, Reisman teaches a display device that further includes the steps of detecting an event corresponding to display information displayed in the display device

Art Unit: 2179

and controlling said display unit to present the occurrence of the event to the user, when said event is detected (See Para 91-92 and 118-125 and 697-702).

6. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman et al. (Hereinafter Reisman) U.S. Patent Publication No. 20030229900 published May 8, 2003 with an effective filing date of May 10, 2002 in view of Martin et al (hereinafter Martin) U.S. Patent Publication No. 20020067376 published June 6, 2002, , in further view of Zimmerman et al. (hereinafter Zimmerman) U.S. Publication No. 20030093789 filed Nov. 2001**

With respect to **dependent claim 7**, as indicated in the above discussion, Reisman teaches every element of claim 6.

Reisman and in the alternative Martin does not expressly teach detecting sound volume exceeding predetermined threshold value in a program, as the event. Reisman teaches trigger events that track program channel changes that relate to the sound pattern (See Para 266 and 270). Martin teaches varying the size of a cell based on the configuration data sent from the portal to the remote display (See Para 0064) and the frame cursor can be positioned for the user and can change the channel to the desired channel and allow for a cursor placed over a cell to highlight it (See Page 75). Martin teaches activating the audio when the cell is highlighted. Neither Martin nor Reisman teaches monitoring if the volume level exceeds a predetermined level to trigger an event. However, Zimmerman teaches monitoring a broadcast channel for content in the event that the volume level exceeds a threshold then the system event changes the channel to the channel for the event, turning up the volume and tuning to the special event (See Para 83). Zimmerman teaches broadcasting content in a similar manner as Martin.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Reisman, Martin and Zimmerman in front of them, to modify the system of Reisman and Martin to monitor a channel and if the volume attribute of the channel exceeds a threshold then to tune into the given channel. The motivation to combine Reisman,

Art Unit: 2179

Martin and Zimmerman comes from the suggestion in Zimmerman to fill the need to alarm individuals when a specific content event occurs (See Para 10).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). *In re: Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocrraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 276, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. However, the Examiner provides the following discussion to address arguments presented. All other arguments are addressed in the new rejection.

Applicant's argument that the prior art of Wharton does not teach connecting directly to another display

Applicant argues that Wharton needs to connect to a data server to present information on the second display (See argument page 10 top).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., server is not needed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, while a new rejection is presented and Wharton is not used, the applicant might apply the same rationale to Reisman. However, Reisman teaches information can be delivered from a local device such as a TIVO, VCR or DVD. But, the claims do not recite that the system

Art Unit: 2179

does not need to connect to the server and the Examiner must not import limitations from embodiments in the specification per MPEP 2111.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179